



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Brian A. Whittle et al. Confirmation No: 5627  
Appl. No. : 10/716,506  
Filed : November 20, 2003  
Title : CHINESE HERBS EXTRACT

TC/A.U. : 1655  
Examiner : C. R. TATE

Docket No.: : WHIT3001C2/REF  
Customer No: : 23364

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Richard E. Fichter, represent that I am the attorney of record for the above-identified application.

Phytotech Limited (hereinafter referred to as "Assignee") is the owner of the entire right and title to the above-captioned patent application and the invention and improvements therein disclosed for the United States, by virtue of an assignment from the inventors to Phytotech Limited recorded at Reel 8387 Frame 0452 on December 24, 1996. The Assignee is also the owner of the entire right and title to U.S. Patent No. 6,676,975 issued on January 13, 2004 and U.S. Patent No. 6,399,112 issued on June 4, 2002, by virtue of the same assignment from inventors to Phytotech Limited.

The terminal part of any patent granted on the above-captioned application which would extend beyond the expiration date of the full statutory term of U.S. Patent Nos. 6,676,975 and 6,399,112 is hereby disclaimed. Any patent granted on the above-captioned application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the U.S. Patent Nos. 6,676,975 and 6,399,112, this agreement to run with any patent on the above-captioned application to be binding upon the grantee, its successors or assigns.

However, no rights available under the provisions of 35 U.S.C. §§155 and 156 are hereby waived.

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Amendment dated: February 16, 2007  
Reply to OA of: August 17, 2006

No terminal part is disclaimed of any patent granted on the above-captioned application prior to the expiration date of the full statutory term of the U.S. Patent Nos. 6,676,975 and 6,399,112 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term, except for the separation of legal title stated above.

The Terminal Disclaimer fee of \$65.00 is submitted herewith. Small Entity status has been established. Please charge any additional fees or credit any overpayments in connection with this paper to Deposit Account No. 02-0200. A duplicate copy of this paper is enclosed.

I, Richard E. Fichter, hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine, or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-captioned patent.

Respectfully submitted,  
BACON & THOMAS, PLLC

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February 16, 2007